

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 581 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

G S R T CORPN

Versus

GULAMNABI A QURESHI

Appearance:

MR HARDIK C RAWAL for Petitioner

MR BA VAISHNAV for Respondent No. 1

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 24/03/2000

ORAL JUDGEMENT

In this petition, notice was issued to the respondent on 4.2.2000 for final disposal of this petition. Today, when the matter was taken up for admission hearing, Mr. Raval, the learned advocate appearing for the petitioner and Mr. Vaishnav, learned advocate appearing for the respondent workman, both have requested this Court to dispose of this finally.

Rule. Service of Rule is waived by Mr. Vaishnav, the learned advocate appearing for the respondent workman. With the consent of the learned advocates for the parties, the matter is taken up for final disposal today itself.

The petitioner herein has challenged the award passed by the Industrial Tribunal in Reference (IT) No. 334 of 1995 dated 9th July, 1999 whereby the tribunal has set aside the impugned order of punishment and has directed the petitioner to make payment of consequential benefits in view of the award passed by the tribunal. The tribunal has come to the conclusion that the findings given by the competent authority are baseless and perverse and, therefore, has set aside two orders of punishment passed by the petitioner corporation.

At the time of hearing of this petition, learned advocate Mr. B.A. Vaishnav appearing for the respondent workman has fairly conceded that the monetary benefits arising from the directions given by the tribunal may be reduced to the extent of 50% and rest of the award of the labour court may be confirmed. In view of the consent and concession given by Mr. Vaishnav, the learned advocate for the respondent, Mr. Raval, the learned advocate for the petitioner corporation has not pressed the other averments raised in this petition and has submitted that he has no objection if appropriate orders are passed by this Court based on the concession given by Mr. Vaishnav, learned advocate for the respondent workman.

I have considered the submissions made by the learned advocates for both the parties. I have also perused the impugned award. The award passed by the tribunal is required to be confirmed as no interference is required because the tribunal has given detailed reasons in support of its conclusion and in doing so, the tribunal has not committed any error apparent on the face of the record. The tribunal has given detailed reasons and has also discussed the findings given by the competent authority and ultimately, the tribunal has come to the conclusion that the findings given by the competent authority are baseless and perverse and, therefore, the tribunal has passed the impugned award. However, in view of the consent given by the learned advocate Mr. Vaishnav for the respondent workman, I am modifying the impugned award passed by the tribunal as under:

The orders of punishment passed by the petitioner corporation are set aside and the petitioner is directed pay to the respondent workman 50 per cent of the monatory benefits pursuant to quashing and setting aside of the impugned orders of punishment. The petitioner corporation shall calculate such amount and shall pay 50% of such amount to the respondent workman of arrears and wages and difference of wages etc. within one month from the date of receipt of certified copy of this order. This petition is partly allowed. The award passed by the tribunal in aforesaid reference shall stand modified to the extent indicated hereinabove. Rule is made absolute to the above extent with no order as to costs.

24.3.2000. (H.K.Rathod,J.)

Vyas